IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1226 OF 2007

Mr Shaikh Salim Karim & ors, .. Petitioners.
Vs
Mrs Moti Dinshaw Irani and ors .. Respondents.

Mr.L.S.Gaikwad, for the petitioners.

CORAM : **D.B.BHOSALE,J.**
DATE : 22.02.2007
PC:

1. Mentioned, not on board.

2. Heard Mr Gaikwad, learned counsel for the petitioners.

3. This petition is directed against the concurrent findings of the courts below in a suit filed by the respondents-plaintiffs for eviction on various grounds. Both the courts below, after having considered the evidence on record, decreed the suit on the following grounds: that defendant nos 1 to 4 denied the title of the plaintiffs, they illegally sublet the suit premises to defendant nos 5, 5A and 5B, they carried out unauthorised permanent additions and alterations in the suit premises, they encroached upon the adjoining passage to the extent of 2’x10, and they did not use the suit premises for a period of six months continuously preceding to the date of filing of the suit for the purpose for which it was let out without any just and proper cause. I went through the judgments of the courts below as also other material placed before me

and,in my opinion, the findings of facts recorded by the courts below on all the issues are based on the material on record. Mr Gaikwad, learned counsel for the petitioners, invited my attention to the evidence of an employee of the MSEB, who was examined by the plaintiffs to establish that the suit premises was not used for a period of six months continuously and submitted that merely because the employee of the MSEB, whenever visited the suit premises was found locked, does not mean that it was not used for a period of six months continuously preceding to the date of filing of the suit for the purpose for which it was let out without any just and proper cause. I perused the findings on this issue also. I find absolutely no reason to interfere with the findings recorded by the courts below in paragraph 15 of the appeal court judgment on this issue. No substantial question is either raised or involved in the petition. Considering that there are concurrent findings of facts and as I find sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under Article 227 of the Constitution of India, to disturb the findings of fact, the writ petition fails and dismissed as such.

(D.B.BHOSALE,J.)